

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

ROCKY JOE MERTENS)
)
Plaintiff,)
)
v.) Case No.: 3:17-cv-01747-LSC-JEO
)
SHERIFF SHANNON OLIVER, et al.,)
)
Defendants.)

ORDER

The magistrate judge entered a report on March 25, 2018, recommending the plaintiff's First Amendment religion claims and his Fourteenth Amendment equal protection claims against the Franklin County Jail, Sheriff Oliver, and Captain Qualls be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. (Doc. 13). The magistrate judge further recommended the plaintiff's First Amendment religion claims and his Fourteenth Amendment equal protection claims against Sergeant Bagget and Correctional Officer Mojica be referred back to the magistrate judge for further proceedings. (*Id.*). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. The court **ORDERS** that the plaintiff's claims against the Franklin County Jail, Sheriff Oliver, and Captain Qualls are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). The court further **ORDERS** that the plaintiff's First Amendment religious claims and his Fourteenth Amendment equal protection claims against Sergeant Bagget and Correctional Officer Mojica are **REFERRED** to the magistrate judge for further proceedings.

DONE AND ORDERED ON APRIL 26, 2018.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
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